

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

POWER INTEGRATIONS, INC.,

No. C-09-5235 MMC

Plaintiff,

**ORDER GRANTING IN PART AND
DENYING IN PART FAIRCHILD'S
MOTION FOR SUMMARY JUDGMENT**

v.

FAIRCHILD SEMICONDUCTOR
INTERNATIONAL, INC., et al.,

Defendants.

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Before the Court is the Motion for Summary Judgment filed September 27, 2013, by defendants Fairchild Semiconductor International, Inc., Fairchild Semiconductor Corporation, and System General Corporation (collectively, "Fairchild"), by which Fairchild seeks judgment in its favor on Power Integrations' claims of infringement of U.S. Patent No. 6,212,079 ("079 patent") and U.S. Patent No. 6,538,908 ("908 patent"), as well as judgment in its favor on Power Integrations' claim that Fairchild's U.S. Patent No. 5,747,977 ("977 patent") is invalid on the basis of anticipation. Plaintiff Power Integrations, Inc. ("Power Integrations") has filed opposition, to which Fairchild has replied. The matter came on regularly for hearing on November 21, 2013. Frank E. Scherkenbach, Howard G. Pollack, and Michael R. Headley of Fish & Richardson P.C. appeared on behalf of Power Integrations. Blair M. Jacobs, Christina A. Ondrick, Terrence P. McMahon, and Leigh J. Martinson of McDermott Will & Emery LLP appeared on behalf of Fairchild.

1 **1. ‘079 and ‘908 Patents**

2 For the reasons discussed on the record at the hearing, the Court hereby finds as
3 follows.

4 With respect to the limitations on which Fairchild's motion is based, Power
5 Integrations has presented sufficient evidence to raise a triable issue as to infringement.
6 (See, e.g., Decl. of Michael R. Headley in Support of Power Integrations' Opp'n to
7 Defendant's Motion for Summary Judgment ("Headley Decl.") Ex. 1 (Opening Expert
8 Report of Dr. Arthur W. Kelley) Ex. 3 at 24-35 (explaining, as to all accused products,
9 "oscillator provides non-varying number of switching cycles per second").) With respect to
10 Fairchild's other arguments going to liability, Power Integrations likewise has submitted
11 sufficient evidence to raise a triable issue as to infringement. (See, e.g., Headley Decl. Ex.
12 1 ¶¶ 103, 107 (identifying accused products sold in United States); id. Ex. 10 (Corrected
13 Expert Report of Jonathan D. Putnam) Ex. 4 (Fairchild employee deposition excerpts
14 concerning global supply chain); id. Ex. 15 (Kelley Dep. 104:2-10, Sept. 11, 2013) (noting
15 use of product exclusively in "green mode," while possible, would "avoid the whole point of
16 buying the product").) Lastly, with respect to the issue of damages, Power Integrations has
17 sufficiently distinguished the authority on which Fairchild relies.

18 Accordingly, to the extent Fairchild seeks summary judgment as to the '079 and '908
19 patents, the motion is hereby DENIED.


20 **2. ‘977 Patent**

21 For the reasons discussed on the record at the hearing, the Court finds Power
22 Integrations, to the extent it asserts invalidity based on anticipation, has failed to present
23 sufficient evidence to raise a triable issue.

24 Accordingly, to the extent Fairchild seeks summary judgment on the issue of
25 anticipation, the motion is hereby GRANTED.

26 **IT IS SO ORDERED.**

27 Dated: November 26, 2013

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MAXINE M. CHESNEY
United States District Judge